



Atty Docket: MUKAI=1

02,10 Sector

In re Application of: ) Application Division  
MUKAI, NIKO ) ATTN: BOX MISSING PARTS  
Serial No.: 09/935,338 ) Washington, D.C.  
Filing Date: 08/23/2001 ) Confirmation No. 8157  
For: METHOD FOR AMPLIFYING NUCLEIC ACID... ) January 17, 2002

LATE SUBMISSION OF FILING FEE AND/OR DECLARATION

HON. COMMISSIONER OF PATENTS

Washington, D.C. 20231

Sir:

The present communication is in response to the "NOTICE TO FILE MISSING PARTS OF APPLICATION..." dated September 19, 2001.

**[XX]** Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title and priority information.

**[XX]** Substitute drawings in compliance with 37 CFR 1.84.

**[XX]** Preliminary Amendment and Supplemental Preliminary Amendment.

The following fee is calculated below:

	(Col. 1)	(Col. 2)	SMALL ENTITY			OTHER THAN SMALL ENTITY		
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	OR	RATE	FEE	
BASIC FEE				\$	OR		\$ 740.00	
TOTAL CLAIMS	1	0	X 9 =	\$		X 18 =	\$	
INDEP. CLAIMS	1	0	X 42 =	\$		X 84 =	\$	
[ ] MULTIPLE DEPENDENT CLAIMS PRESENTED			+ 135 =	\$		+ 270 =	\$	
If the difference in Col. 1 is less than 0, enter "0" in Col.			TOTAL	\$		TOTAL	\$ 740.00	

**[XX]** Fees after the Supplemental Preliminary Amendment have been calculated as shown below:

	(Col. 1)	(Col. 2)	SMALL ENTITY			OTHER THAN SMALL ENTITY		
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	OR	RATE	FEE	
BASIC FEE				\$	OR		\$ 740.00	
TOTAL CLAIMS	- 111	91	X 9 =	\$		X 18 =	\$1,638.00	
INDEP. CLAIMS	- 30	27	X 42 =	\$		X 84 =	\$2,268.00	
[ ] MULTIPLE DEPENDENT CLAIMS PRESENTED			+ 135 =	\$		+ 270 =	\$	
If the difference in Col. 1 is less than 0, enter "0" in Col.			TOTAL	\$		TOTAL	\$4,646.00	

**[XX]** Late filing of Declaration surcharge in the amount of:

Small Entity [ ] \$65.00 Other than Small Entity **[XX] \$130.00**

**[XX]** It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a).

The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[ ] First - \$ 55.00  
[ ] Second - \$ 200.00  
[ ] Third - \$ 460.00  
[ ] Fourth - \$ 720.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

[ ] First - \$ 110.00  
**[XX] Second - \$ 440.00**  
[ ] Third - \$ 920.00  
[ ] Fourth - \$1,440.00

Month After Time Period Set

**[XX]** Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

**[XX]** Credit Card Payment Form, PTO-2038, authorizing payment in the amount of **\$5,216.00** is enclosed to cover the fees.

**[XX]** The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

01/24/2002 CLEVER1 00000003 09235330

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By:

ALLEN C. YUN

Registration No. 37,971

ACY:tw

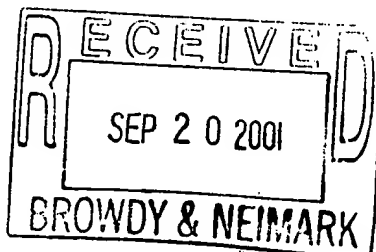


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/935,338	08/23/2001	Hiroyuki Mukai	MUKAI=1

001444  
BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303



CONFIRMATION NO. 8157

## FORMALITIES LETTER



\*OC000000006577488\*

Date Mailed: 09/19/2001



## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$7490.
  - \$4500 for 250 total claims over 20.
  - \$2720 for 34 independent claims over 3.
  - \$270 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 8330.**

MSP=19 NO 2001  
DRG=19 NO 2001  
DOCKETED

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

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268.00  
130.00  
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01 00:101  
02 00:102  
03 00:103  
04 00:104

*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY

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